

Article 11. Administration

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions

Last update: 02/15/2018 03/16/2018

Item	Section	Existing Text	Proposed Text	Noes/Initials
	11.1.1 Review Authority (table)		<i>Changes listed below are shown in table in Appendix – see website</i>	CMB
11-1	11.1.1 Review Authority (table)		<i>Formatting:</i> Column: Board of Appeals Row: Final Plat with dedication Replace “A-PH” with “--”	JB Chart does not stipulate who makes a Decision on plats with dedication. Council makes the D with a PH but it is not advertised.
11-2	11.1.1 Review Authority (table)		<i>Formatting:</i> Column: City Council Row: Final Plat with dedication Replace “--” with “D-PH”	JB The BOA does not hear appeals for plats with dedication. Remove from chart
11-3	11.1.1 Review Authority (table)		<i>Formatting:</i> Column: Board of Appeals Row: Administrative Variance Replace “A-PH” with “--”	JB The BOA does not hear appeals of administrative variances. Per section 11.6.1.D. the applicant has 30 days to file the denied request as a variance, so it becomes a variance request, not an appeal case.
11-4	11.1.1 Review Authority (table)		<i>Formatting:</i> Row: Add “Beneficial Use Determination” under “Relief”, at bottom of table Column: Director: insert “R” Column: Planning Commission: insert “R-PH”	JB/CMB <i>New since last update</i>

			<p>Column: City Council: insert "D-PH"</p> <p>Column: Web: insert "Y"</p> <p>Column: Mailed: insert "Y"</p> <p>Column: Published: insert "Y"</p> <p>Column: Posted: insert "Y"</p> <p>All other cells: mark "--"</p>	
11-5	11.1.2 – Review Authority – The Director	The Director has those powers and duties expressly identified in this Article and the Sandy Springs Technical Manual, including, but not limited to, the following. It is the intent of this Development Code that the requirements of Article 10 are interpreted by the Director. All other ordinances or regulations referenced in this Development Code such as the fire prevention and life safety codes, building and other technical codes, regulations and ordinances, are administered by the Directors of the Departments responsible for such ordinances, as established by the City Council.	The Director has those powers and duties expressly identified in this Development Code and the Sandy Springs Technical Manual, including, but not limited to, the following. All other ordinances or regulations referenced in this Development Code such as the fire prevention and life safety codes, building and other technical codes, regulations and ordinances, are administered by the Directors of the Departments responsible for such ordinances, as established by the City Council. The requirements of this Development Code are interpreted by the Director.	JB <i>Updated since last draft</i>
11-6	11.1.2.a. - Review Authority – The Director – Review and Recommendation	To review and provide recommendations on applications for: 1. Legislative review; 2. Final plats with dedication; and 3. Variances.	To review and provide recommendations on applications for: 1. Legislative review; 2. Final plats with dedication; 3. Variances; and 4. Appeals of administrative decisions.	JB
11-7	11.1.2.b. - Review Authority – The Director – Decision	To review and decide on applications for: 1. All plats without dedication; 2. Land disturbance permits; and 3. Administrative variances.	To review and decide on applications for: 1. All plats without dedication; 2. All permits handled by the Department of Community Development ; and 3. Administrative variances.	JB <i>Updated since last draft</i>
11-8	11.2.3.E.3 – Common Review Provisions – Application Requirements –	An application amended beyond this deadline will be put on administrative hold until the following regularly scheduled public hearing or public meeting, and the	An application amended beyond this deadline will be put on administrative hold until the following regularly scheduled public hearing or public meeting, and the applicant will be responsible for	JB

	Revised Application Materials	applicant will be responsible for re-advertising.	reimbursing the City for re-advertising fees.	
11-9	11.2.3.E.4 - Common Review Provisions – Application Requirements – Revised Application Materials	No revised application materials may be submitted at any board or commission meeting or hearing.	No revised, additional or supplementary application materials may be submitted at any board or commission meeting or hearing.	JB
11-10	11.2.3.F - Common Review Provisions – Application Requirements – Withdrawal of an Application	An applicant may choose to withdraw their application during the development review process, according to the following procedures.	An applicant may choose to withdraw their application, according to the following procedures.	JB
11-11	11.2.3.F.2 - Common Review Provisions – Application Requirements – Withdrawal of an Application	Where an application has been advertised, the Planning Commission, Board of Appeals or City Council may remove an application from their agenda and consider it withdrawn upon applicant request at any time prior to opening the public hearing or public meeting following a simple majority vote of the review body. The Planning Commission, Board of Appeals and City Council reserve the right to conduct the public hearing and render a decision despite a request for withdrawal from the applicant.	Where an application has been advertised, it can be withdrawn prior to the public hearing. The item will remain on the agenda and noted as “Withdrawn.”	JB
11-12	11.2.3.F.3 - Common Review Provisions – Application Requirements – Withdrawal of an Application	A withdrawal is not a final action and does not bar submission of a new application.	A withdrawal is not a final action, however, withdrawal of an application bars resubmission of a similar application for 6 months.	CMB/JT/JB

11-13	11.2.5.D.5 - Common Review Provisions – community Meetings – Conduct of Community Meeting -	It is the duty of the applicant to ensure a copy of the proposed site plan is available at the meeting.	<i>Formatting: Delete text and mark subsection “open”</i>	JB
11-14	11.2.6.C.5. - Common Review Provisions – Public Notice Requirements – Posted Notice	Posted notice for permit review is only required in the form of a plan box posted on the project lot at the time of application. The plan box must include a conceptual site plan as well as any approved building plans (where applicable).	Posted notice for permit review, when applicable , is only required in the form of a plan box posted on the project lot at the time of application. The plan box must include a conceptual site plan as well as any approved building plans (where applicable). Permits for interior construction are exempt from this requirement.	JB
11-15	11.3.2.A - Legislative Review – Applicability – Text Amendments	A request to amend the text of this Development Code or the Comprehensive Plan. This process begins with the Director’s review and does not require a Community Meeting.	A request to amend the text of this Development Code or the Comprehensive Plan. This process may only be initiated by staff or an elected official, receives the Director’s review , and does not require Community Meetings.	JB
11-16	11.3.2.D - Legislative Review – Applicability – Conditional Use Permits	A request to change or expand an existing use identified as a conditional use in Article 3 through Article 7 or expressly requiring a conditional use permit elsewhere in this Development Code. Conditional use may not be used to allow additional height beyond the allocated district or bonus height.	A request to change or expand an existing use identified as a conditional use in Article 3 through Article 7 or expressly requiring a conditional use permit elsewhere in this Development Code. Conditional use may not be used to allow additional height beyond the allocated district or beyond the maximum bonus height.	LT/JB
11-17	11.3.5.C.1 - Legislative Review – Application	If, after the internal and external review, the Director finds that the application does not meet the approval criteria in Sec. 11.3.6, the Director will notify the applicant in writing of the specific	<i>Formatting: Delete text and mark subsection “open”</i>	JB Keep process more flexible and informal than this

	Review – Director Review	provisions that have not been met and offer the applicant the opportunity to make changes to the application. If revised application materials are required, see Sec. 11.2.3.E.		
11-18	11.3.5.E.1 - Legislative Review – Application Review – Character Area Map Analysis	At the time of the request, the applicant must provide a written analysis of the impact of the proposed Character Area Map change with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	At the time of the request, the applicant must provide a written analysis of the impact of the proposed Character Area Map change with respect to each of the approval criteria in Sec. 11.3.6.	JB
11-19	11.3.5.F.1 - Legislative Review – Application Review – Zoning Impact Analysis	. At the time of the request, the applicant must provide a written analysis of the impact of the proposed Official Zoning Map change with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	. At the time of the request, the applicant must provide a written analysis of the impact of the proposed Official Zoning Map change with respect to each of the approval criteria in Sec. 11.3.6.	JB
11-20	11.3.5.G.2 - Legislative Review – Application Review – Conditional Use Analysis	At the time of the request, the applicant must provide a written analysis of the impact of the proposed conditional use with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	At the time of the request, the applicant must provide a written analysis of the impact of the proposed conditional use with respect to each of the approval criteria in Sec. 11.3.6.	JB
11-21	11.3.5.J. - Legislative Review – Application Review – Concurrent Variances	Concurrent variances by the City Council are not allowed. A separate application for variance must be submitted and approved following action by the City Council.	Concurrent variances to Zoning Map or Character Area Map amendment requests are not allowed. A separate variance application must be submitted to the Board of Appeals following action by the City Council.	JB
11-22	11.3.6.D.1 - Legislative Review – Approval Criteria – For a Conditional Use	The use is allowed as a conditional use in the respective zoning district (see Div. 11.3).	The use is allowed as a conditional use in the respective zoning district (see Div. 7 <i>[hyperlink]</i>).	AH/JB

11-23	11.3.6.D.2 - Legislative Review – Approval Criteria – For a Conditional Use	The use complies with the applicable specific use standard listed in Div. 11.3, if any, without the granting of any variance.	The use complies with the applicable specific use standard listed in Article 7 without the granting of any variance.	AH/JB
11-24	11.3.8.A. - Legislative Review – Action Following Approval	If you are going to subdivide your property, see Div. 11.4.	For information on subdividing property, see Div. 11.4.	CMB/JB removing 2 nd person
11-25	11.3.8.B. - Legislative Review – Action Following Approval	If you are not going to subdivide your property, then you will need a Land Disturbance Permit (see Sec. 11.5.1) or Building Permit.	<i>Formatting: Delete text and mark subsection “open”</i>	JB Subdivision does not require LDP or building permit; remove 2 nd person
11-26	11.3.9. - Legislative Review – Modification of Conditions	Any modification of a condition of approval following City Council approval requires full review under this Section as though it were a rezoning.	Any modification of a condition of approval following City Council approval requires full review under this Section as a rezoning or conditional use permit, as applicable.	JB
11-27	11.4.1.B – Subdivision Review – Applicability	B. Combination of 2 or more lots;	B. Combination of 2 or more lots, when the lots are under different ownership;	JB
11-28	11.4.5.A – Subdivision Review – Submittal Process	Before submitting an application, the applicant must schedule a pre-application meeting with the Director to discuss the procedures, standards and regulations required for approval. To schedule a pre-application meeting, call or visit the Department.	Before submitting an application, the applicant may schedule a pre-application meeting with the Department to discuss the procedures, standards and regulations required for approval.	JB
11-29	11.4.14.A.1 – Subdivision Review – Final Plat Approval –	Before applying for Final Plat approval, the requirements of Div. 11.8. must be met.	Before applying for Final Plat approval, the requirements of Div. 11.4.8. must be met.	JB

	Approval by the Director			
11-30	11.5.1.B. Permit Review – Land Disturbance Permits - Applicability			Paul/JB <i>Updated since last draft</i> <i>Triggers for street improvements are moved to Div. 10</i>
11-31	11.5.1.B.3. Permit Review – Land Disturbance Permits - Applicability	A major Land Disturbance Permit is required for: a. Any land disturbance of 5,000 square feet or more; b. Any land disturbance triggering the need for erosion control BMP's; c. The addition of 1,000 square feet or more of impervious surface; and d. Any land disturbance within 200 feet of State waters.	A major Land Disturbance Permit is required for projects that: a. Propose more than half an acre of disturbance; or b. Add more than 5,000 square feet of impervious surface; or c. More than 1 acre of grubbing; or d. The maximum height/depth of excavation or fill over 10 feet; or e. The maximum quantity of 50 cy total movement on the site. Projects meeting these criteria will likely qualify as major land disturbance projects, but the City will consider all factors of the project to make the final determination.	GS/JB
11-32	11.5.1.B.4. Permit Review – Land Disturbance Permits - Applicability	A minor Land Disturbance Permit is required for: a. Any changes in existing circulation or access; b. Any land disturbance of more than 2,500 square feet, but less than 5,000 square feet; and c. Construction of a single-family residential swimming pool, addition, deck or freestanding retaining wall over 8 feet in height.	A minor Land Disturbance Permit is required for projects that: a. Do not include any work in the right-of-way; or b. Have less than half an acre of disturbance, c. And/or are adding less than 5,000 square feet of impervious surface d. And/or have less than 1 acre of grubbing e. And/or maximum height/depth of excavation or fill over 10 feet	JB

		d. Any other land disturbance that they will require minimal engineering as further described in the Sandy Springs Technical Manual, as determined by the Director.	f. And/or maximum quantity of 50 cy total movement on the site g. And/or less than a 15% slope Projects meeting these criteria will likely qualify as minor land disturbance projects, but the City will consider all factors of the project to make the final determination.	
11-33	11.5.1.B.5. Permit Review – Land Disturbance Permits - Applicability	A land disturbance permit is not required for any proposed ground disturbance that does not exceed 5,000 square feet, does not result in the need for erosion control BMP's, and does not result in changes to topography or storm water drainage patterns.	A land disturbance permit is not required for any proposed ground disturbance that does not exceed 2,500 square feet, does not result in the need for erosion control BMPs, and does not result in changes to topography or stormwater drainage patterns.	John C./ JB
11-34	11.5.1.B.7 – Permit Review – Land Disturbance Permits - Applicability	The calculation of land disturbing activity applies to the entire project, not just that portion on or off of a specific lot.	The calculation of the area of disturbance applies to the cumulative disturbed area of a project regardless of property boundaries.	John C./JB
11-35	11.5.1.D.1.a – Permit Review – Land Disturbance Permits – Submittal Process – Schedule a Pre-application Meeting	1. Schedule a Pre-application meeting a. Before submitting an application for a Land Disturbance Permit, the applicant must schedule a pre-application meeting with the Director to discuss the procedures, standards and regulations required for approval. This initial meeting will establish what type of Land Disturbance Permit is required for your project.	1. Schedule a Developer meeting a. Before submitting an application for a Major Land Disturbance Permit, the applicant must schedule a Developer Meeting with the Director to discuss the procedures, standards and regulations required for approval. If it cannot be clearly determined whether the LDP will be a Major or Minor LDP under the criteria in 11.5.1.B, this initial meeting will establish what type of Land Disturbance Permit is required for the project.	JB Allow Minor LDPs to submit without a pre-app. Also, to clarify that a pre-app can be a Developer Meeting
11-36	11.5.1.D.1.b – Permit Review – Land Disturbance Permits –	To schedule a pre-application meeting, call or visit the Department.	To schedule a Developer Meeting, call email, or visiting the Department.	JB

	Submittal Process – Schedule a Pre-application Meeting			
11-37	11.5.1.D.2.a. Permit Review – Land Disturbance Permits – Submittal Process – Submit Application	Following the pre-application meeting, the applicant may start the application process. To begin, submit a complete application form, along with the required review fees, to the Department. language implies that you submit an app & fees, no mention of plans	Following the Developer Meeting, the applicant may start the application process by completing an application form and providing plan sets along with the required review fees, to the Department.	JB
11-38	11.5.1.E.3 - Permit Review – Land Disturbance Permits – Application Review – Developer Meeting	The public is allowed to observe the Developer Meeting conducted to ensure coordination of staff review	The public is allowed to observe the Developer Meeting to enhance the transparency and public awareness of the permitting process.	JB
11-39	11.5.1.E.5.b - Permit Review – Land Disturbance Permits – Application Review – Director Review	If, after the internal and external review, the Director finds that the application meets all applicable requirements of this Development Code, the Director will approve the application. A decision will be made within 14 calendar days of receiving a complete application. This time period may be extended if both the applicant and the Director agree on an extension.	If, after the internal and external review, the Director finds that the application meets all applicable requirements of this Development Code, the Director will accept the application as complete.	JB
11-40	11.5.1.F - Permit Review – Land Disturbance Permits – Approval Criteria	Approval or denial of a Land disturbance permit is based solely on whether or not the submittal meets or fails to meet the applicable requirements of this Development Code.	The approval of or requirement of revisions to a land disturbance permit application are based solely on whether or not the submittal meets or fails to meet the applicable requirements of this Development Code.	JB
11-41	11.5.1.I - Permit Review – Land Disturbance	An application submitted for a land disturbance permit expires after 60 days from the issuance of the latest letter of	An application submitted for a land disturbance permit expires after 6 months from the issuance of the latest letter of	JB

	Permits – Application Expiration	permit revisions. At this time, the City will issue a written notice of expiration of permit application to the applicant and require that comments be addressed or permit be obtained within 30 days of issuance of the notice.	permit revisions. At this time, the City will issue a written notice of expiration of permit application to the applicant and require that comments be addressed or permit be resubmitted within 30 days of issuance of the notice.	
11-42	11.5.1.K.2.a. - Permit Review – Land Disturbance Permits – Permit Extension	Any additional requests for extension of land disturbance permits beyond the one 180-day extension granted by the Director may be submitted to the Department for consideration by the City Council, subject to the qualifying conditions set forth in this section.	<i>Formatting: Delete subsection and mark “open”</i>	JB
11-43	11.5.2.E.1 - Permit Review – Building Permit – Single Family and Two-Family Residences	A building permit for a single- or two-family residence may be issued after the recording of a final plat or after the lot on which the building is to be located has otherwise become a buildable lot of record.	A building permit for a single-family residence may only be issued after the recording of a final plat or after the lot on which the building is to be located has otherwise become a buildable lot of record.	JB More than one dwelling unit is considered a townhouse
11-44	11.5.2.E.1 - Permit Review – Building Permit – Single Family and Two-Family Residences	The approval of a residential site plan may be required prior to issuance of the building permit, as noted and conditioned on the final plat or as may be required for compliance with the Chattahoochee River Corridor. For such lots, a certificate of occupancy will not be issued until conformance to the site plan has been field verified by the Department. A certified foundation survey prepared by a registered land surveyor may be required where, in the opinion of the Director, the foundation may encroach in any setback or buffer.	<i>Formatting: Delete text and mark subsection “open”</i>	JB Site plan for single-family homes is reviewed at same time as building permit. River Corridor is addressed under Art. 9
11-45	11.5.2.F.1 - Permit Review –	Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to	<i>Formatting: Delete text and mark subsection “open”</i>	JB Moved to 11.5.4. Other Permits

	Building Permit – Swimming Pools	be issued at the same time or subsequent to the permitting or construction of the house or duplex, first requires approval of a swimming pool site plan. The plan must show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank and septic tank drain field (if any), and any easements on the site, and all requirements of this Development Code and the swimming pool code. A certificate of occupancy or a certificate of completion will not be issued until conformance to the swimming pool site plan and all applicable building codes has been field verified by the Department. Additionally, all permitted swimming pools must conform to the swimming pool discharge policy.		
11-46	11.5.2.H.3 - Permit Review – Building Permit – Multifamily and Nonresidential Structures	Fulton County approval may be required prior to the issuance of a building permit for construction activities involving, food service, commercial swimming pools, dumpster pads, hotels or motels, grease traps, and similar uses requiring Fulton County health Department review.	Fulton County approval may be required prior to the issuance of a building permit for construction activities involving, food service, commercial swimming pools, dumpster pads, hotels or motels, grease traps, and similar uses requiring review by a department of Fulton County .	John C. / JB Grease traps, for instance, are reviewed by Fulton County Public Works.
11-47	11.5.4.D.3 Sign Permit	The Director will reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard in Div. 8.3 within 30 business days of receipt of said application. The Director may reject at any time prior to the expiration of the 30- day period, if the application is incomplete or contains false material statements or omissions, by returning the application to the applicant.	The Director must, within 30 days of receipt of an application , reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard in Div. 8 [hyperlink] . The Director may reject at any time prior to the expiration of the 30-day period, if the application is incomplete or contains false material statements or omissions.	John C.

11-48	11.5.4.D.4 – Permit Review – Other Permits – Sign Permit	The City will process all complete and accurate sign permit applications within 30 business days of the City’s actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Director will give notice to the applicant of the decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 30th business day. If the decision of the Director is to deny the application, the decision must state the grounds upon which the denial is based. Failure of the City to act within the 30- day period is deemed a denial of the permit. If notice is mailed in conformity with this Section, notice is deemed to have been given upon the date of mailing. Any application meeting the standards of this Div. 8.3 will be granted. Any application not meeting the standards of Div. 8.3 will be denied.	The City will process all complete and accurate sign permit applications within 30 business days of the City’s actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Director will give notice to the applicant of the decision by email or mail on or before the 30th business day. If the decision of the Director is to deny the application, the decision must state the grounds upon which the denial is based. Failure of the City to act within the 30- day period is deemed a denial of the permit. If notice is mailed in conformity with this Section, notice is deemed to have been given upon the date of mailing. Any application meeting the standards of this Div. 8.3 will be granted. Any application not meeting the standards of Div. 8.3 will be denied.	John C. / JB
11-49	11.5.4.E.1. – Permit Review – Other Permits – Fence or Wall Permit	<ul style="list-style-type: none"> a. Where retaining walls are to be installed, permits must be obtained. b. Fence permits are required when installing a new fence, new gate or replacing an existing fence on residential and commercial properties. c. A fence permit for a dumpster enclosure requires the submittal of a site plan. d. A fence associated with a swimming pool will be approved as part of the building permit for the swimming pool. 	<ul style="list-style-type: none"> a. A wall that retains earth requires a retaining wall permit (see Sec. 9.4.3 [hyperlink]). A wall that does not retain earth is considered a fence for permitting purposes. b. Fence permits are required when installing a new fence or wall that does not retain earth, non-vehicular gate, or when a replacement of an existing fence results in a change in placement, height, materials or design. c. Electronic vehicular gates require a building permit. 	JB

		e. A fence permit is not required for temporary security purposes during construction	d. A swimming pool enclosure fence will be approved as part of the pool permit. e. A fence permit is not required for temporary security purposes during construction.	
11-49.5	11.5.4.G Other Permits – Swimming Pool Permit		<i>Formatting: New subsection G</i> G. Swimming Pool Permit Issuance of a permit for a swimming pool as an accessory use to a single-family residence, whether to be issued at the same time or subsequent to the permitting or construction of the house, requires approval of a swimming pool site plan. The plan must show the proposed location of the swimming pool, associated deck, pool equipment, pool enclosing fence and gate details, the property boundaries, setback lines, topography lines, septic tank and septic tank drain field (if any), and any easements on the site, and all requirements of this Development Code and the swimming pool code found in the International Swimming Pool & Spa Code . A certificate of occupancy or a certificate of completion will not be issued until conformance to the swimming pool site plan and all applicable building codes has been field verified by the Department. Additionally, all permitted swimming pools must conform to the swimming pool discharge policy. 11.	CMB Moved from 11.5.2
11-50	11.5.5. Temporary Use Permit	A. The Director may approve a Temporary Use Permit for a period appropriate to the specific use. No more than 5	A. The Director may approve a Temporary Use Permit in accordance with the standards of 7.9.10 <i>[hyperlink]</i> .	CMB <i>New since last draft</i>

		<p>temporary use permits may be issued for the same lot in any calendar year.</p> <p>B. Only 1 temporary use permit may be active on a lot at any time. Each event or activity must be separated by a period of not less than 21 consecutive days.</p> <p>C. The Director may require a bond or other suitable guarantee sufficient to:</p> <ol style="list-style-type: none"> 1. Ensure that signs, trash, temporary structures and debris will be removed from the site and the immediate vicinity of the site; 2. Ensure the activity will not continue for longer than the temporary period; and 3. Ensure compliance with applicable City ordinances. 		
11-51	11.6.1. D. – Relief – Administrative Variance – Submittal Process	To begin, submit a complete application form, along with the required review fees, to the Department.	The process begins with the submittal of a complete application form, along with the required review fees, to the Department. There are no public notice requirements for an Administrative Variance.	JB
11-52	11.6.1.B.4 – Relief – Administrative Variance – Limitations	Fence materials;	Fence and building materials;	JB
11-53	11.6.1.B.5 – Relief – Administrative Variance – Limitations	Adult establishment use standards;	Standards for-Conditional Use Permits;	JB Applies to all, not only adult establishments
11-54	11.6.1.D – Relief – Administrative Variance –	To begin, submit a complete application form, along with the required review fees, to the Department.	The process begins with the submittal of fees, plans and supporting documents in	JB

	Submittal Process		the application checklist to the Department.	
11-56	11.6.2.B.1 – Relief – Variances - Limitations	Minimum lot area, minimum lot frontage on a street or minimum lot width at the time of subdivision (this does not include a nonconforming lot of record platted prior to the effective date of this Development Code —see Sec. 11.8.3 [hyperlink]);	Minimum lot area, minimum lot frontage on a street or minimum lot width at the time of subdivision (this does not include a nonconforming lot of record platted prior to the effective date of this Development Code — see Sec. 11.7.4. [hyperlink]);	AH/JB
11-57	11.6.2.B.4 – Relief – Variances - Limitations	Fence materials;	Fence, wall and building materials;	JB <i>Updated since last draft</i>
11-58	11.6.2.B.5 – Relief – Variances - Limitations	Adult establishment use standards;	Standards for-Conditional Use Permits ;	JB Applies to all, not only adult establishments
11-59	11.6.2.G.1.b – Relief – Variances – Approval Criteria	There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;	There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties that prohibits the proposed scope of work from being able to comply with the Development Code.	JB
11-60	11.6.2.H – Relief – Variances – Denied Application	Decisions of the Board of Appeals are final. Those not satisfied with a decision of the Board of Appeals may pursue an appeal by filing a writ of certiorari with the Fulton County Superior Court within 30 calendar days of the decision.	Decisions of the Board of Appeals are final. Those not satisfied with a decision of the Board of Appeals may pursue an appeal by filing a writ of certiorari with the Fulton County Superior Court within 30 calendar days of the decision. Denial of an application bars resubmittal of the application for 1 year.	JB
11-61	11.6.3.A – Relief – Administrative Appeals - Authority	The Board of Appeals has the authority to review administrative decisions made by the Director that are appealed.	The Board of Appeals has the authority to hear and decide on appeals regarding administrative decisions made by the Director.	John C./JB
11-63	11.6.3.F – Relief – Administrative Appeals – Board of Appeals Public Hearing	The Board of Appeals will conduct a public hearing and make findings and render a decision within 30 calendar days after the public hearing on the administrative appeal.	The Board of Appeals will conduct a public hearing, make findings, and render a decision at the public hearing. Alternatively, only once, the Board of	JB

			Appeals may choose to defer the appeal to a future date.	
11-64	11.7.1.A – Nonconformities – Nonconforming Use -	Any building or land lawfully occupied by a use at the time of passage of this Development Code, or any amendment to this Development Code, that does not conform with the use regulations of the zoning district in which it is situated.	Any use of a building or land lawfully occupied at the time of passage of this Development Code, or any amendment to this Development Code, that does not conform with the use regulations of the zoning district in which it is situated.	JB
11-65	11.7.1.B.6 - Nonconformities – Nonconforming Use – Continuance	If the use constitutes a nuisance as defined by state law, it is not and will not become a nonconforming use.	If the use constitutes a nuisance as defined by state law, the City may revoke the certificate of occupancy or business license if the nuisance cannot be extinguished.	JB
11-67	11.7.3.B Nonconformities – Nonconforming Site Element	When the facade of an existing principal structure is modified, only the following requirements of Article 8 must be met:	The following requirements apply when the scope of work (façade modification) involves a structural change of the building which requires a building permit. Minor upgrade, repair or maintenance such as painting, shingling of a roof replacing windows or doors do not trigger this requirement.	LT/JB
11-68	11.7.3.D – Nonconformities – Nonconforming Site Element	When an existing principal structure is increased in floor area by 50% or more cumulatively over 5 years from the effective date of this Development Code, the entire lot, including any building, any required stormwater facility, and any parking area must be brought into conformance.	When an existing principal structure is increased in floor area by 50% or more cumulatively over 5 years from the effective date of this Development Code, the entire lot, including any building, any required stormwater facility, and any parking area must be brought into conformance with Article 8 [hyperlink].	AH/JB
11-69	11.7.3.F – Nonconformities – Nonconforming Site Element	When an existing parking lot is reconstructed for any reason, the entire parking lot must be brought into complete conformance with the parking and landscaping provisions.	When 25% or more of an existing parking lot is reconstructed (excavated or milled and repaved) for any reason, the entire parking lot must be brought into complete conformance with the parking and landscaping provisions.	JB <i>Updated since last draft</i>
11-70	11.8.2.A-C – Violations and	A. Any person, firm, partnership or corporation violating any of the	A. Any person, firm, partnership or corporation prosecuted for violating any	YS/JB

	Enforcement – Violation	<p>provisions of this Development Code will be deemed guilty of a misdemeanor.</p> <p>B. Each day’s continuance of a violation will be considered a separate offense.</p> <p>C. The owner and tenants of any buildings or premises, or parts of buildings or premises, where anything in violation of this Development Code is placed or exists, and any architect, design professional, builder, contractor or agent, or the owner or tenants who may have assisted in the commission of any such violation are each guilty of a separate offense.</p>	<p>of the provisions of this Development Code may be deemed guilty of a misdemeanor.</p> <p>B. Each day’s continuance of a violation may be considered a separate offense.</p> <p>C. The prosecution of any owner and tenants of any buildings or premises, or parts of buildings or premises, where anything in violation of this Development Code is placed or exists, and any architect, design professional, builder, contractor or agent, or the owner or tenants who may have assisted in the commission of any such violation may each be deemed guilty of a separate offense.</p>	
--	-------------------------	---	---	--